REMARKS/ARGUMENTS

Claim 1 has been amended to incorporate the subject matter of cancelled Claim 19. In addition, Claims 1 and 20 have been amended to clarify that some of the hydroxyl groups are functionalized with the heat-labile moieties while other hydroxyl groups are not functionalized, as described on pages 3 (last 4 lines) and 13 (lines 14-17).

Rejection Under 35 U.S.C. §103(a)

Claims 1-24 have been rejected as unpatentable over WO 01/96119 (Savariar-Hauck) in view of either US Patent 6,111,133 (Houlihan) or US Patent 4,996,135 (Houlihan et al.). This rejection is respectfully traversed.

The Office Action alleges that Savariar-Hauck describes a thermally imageable element useful as a lithographic printing plate precursor having a substrate, polymeric materials, and ink-receptive top layer. The Office Action repeats much of the teaching in Savariar-Hauck relating to various imageable element components and admits that the reference fails to "specifically discuss the addition of a protected hydroxystyrene monomer".

The Office Action then cites Houlihan and Houlihan et al. as teaching that modified hydroxystyrene resins can be used in lithographic applications "by adding a reactive substituent such as *t*-butoxycarbonyloxy-styrene, which meets the instant claim limitations for the polymer of the second layer".

The Office Action summarizes by arguing that it would have been obvious "to modify the hydroxystyrene resin in the top layer of Savariar-Hauck with the alkoxycarbonyloxy groups taught to be more reactive in either Houlihan reference, with reasonable expectation of achieving an improved material".

Applicants' presently claimed invention calls for a second layer hydroxyl group-containing polymer in which from 5 mol% to 50 mol% of the hydroxyl groups are functionalized with the recited heat-labile moieties while the remaining hydroxyl groups are "free", or not so functionalized.

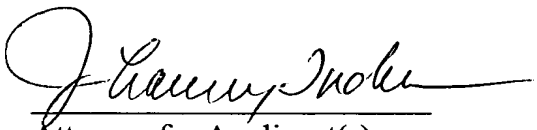
Thus, the arguments submitted in the Office Action, while traversed on their merits, are even less correct in view of the modified claim language. Neither Houlihan nor Houlihan et al. teaches a lithographic imaging element having a hydroxyl-containing polymer wherein only some of the hydroxyl groups have been functionalized or modified in any manner. Rather, both of the cited secondary references teach that <u>all</u> hydroxyl groups are modified

as stated in the Office Action for any use in lithography. The only mention of copolymers having unreacted hydroxyl groups (Houlihan, Col. 1, lines 22-32) is for a use in corrosion protection, which teaching is clearly irrelevant to the present case. There is no suggestion that such copolymers are useful in imageable elements.

Contrary to the teaching in those references, Applicants' claimed invention calls for a hydroxyl-containing polymer in imageable layers in which at least 50 mol% of the hydroxyl groups are "free" and from 5 mol% to 50% of the hydroxyl groups have been functionalized using the heat-labile moieties recited in Claim 1. This is clearly not suggested in the combined teaching in the cited art because clearly the primary reference fails to suggest it, and both secondary references fail to supply the missing teaching. Therefore, the presently claimed invention is patentable over the cited art and the unpatentability rejection should be withdrawn.

In view of the foregoing amendments and remarks, it is believed that the present application is in condition for allowance. Early action to that end is earnestly solicited.

Respectfully submitted,



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